

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

DYLAN SINN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:15-cv-01394-TWP-DML
	)	
JOHN BRUSH,	)	
	)	
Defendant.	)	

**ENTRY ON PLAINTIFF’S MOTION**

This matter is before the Court on Plaintiff’s Motion to Speak with a Juror ([Filing No. 190](#)).  
For the reasons stated below, the Motion is granted.

**I. DISCUSSION**

Plaintiff Dylan Sinn’s (“Mr. Sinn”) claim of deliberate indifference to his safety while a prisoner within the Indiana Department of Correction was tried by jury from October 15 through October 17, 2019, when the jury announced that they could not come to a unanimous decision. The Court declared a mistrial and the matter is again scheduled for trial on March 9, 2020. On October 31, 2019, Plaintiff’s counsel filed the instant motion, explaining that one of the jurors contacted Mr. Sinn directly, through Facebook, and wanted to speak to him about the jury verdict. In compliance with Local Rule 47-2, counsel for Mr. Sinn requests that he be allowed to contact the juror, rather than have Mr. Sinn speak with the juror himself.

Local Rule 47-2 provides the guidelines for communication with jurors:

**(a) Communication Not Allowed.** No party or attorney (or any of their employees or agents) may communicate or attempt to communicate off the record:

- (1) with a member of the venire from which the jury will be selected; or
- (2) with a juror.

**(b) Exceptions.** The court may allow a party or attorney to communicate with jurors after the trial if all other parties are given notice. In criminal cases, a party or attorney must show good cause before the court will allow communication with a juror.

**(c) Control by Court.** Any juror contact permitted by the court will be subject to the control of the judge.

As required, notice was given and counsel for Defendant John Brush has responded that he takes no position to the request. However, Brush's counsel request that if opposing counsel is permitted to contact jurors, notice, including the names and contact information of the jurors that the Plaintiff intends to contact be provided. In Reply, Mr. Sinn's counsel asserts that he does not have to provide notice if he desires to speak with other members of the jury. In particular, counsel states "[o]nce a juror is released, the court instructs them all they are free to talk to whoever they like, and they are free to talk to the media, and they are free to talk to relatives, should they choose. We have seen this played out numerous times on national media." Counsel is incorrect in its assertion. Because of the local rule, jurors are instructed that they need not talk to anyone after the trial. Local Rule 47-2 specifically states that counsel may not contact jurors after the trial, without permission of the court and after providing notice to other parties. It is the Court's understanding that only one juror has indicated that they wish to speak to Mr. Sinn, and this Entry grants permission of communication with only the one juror. That said, the specific request before the Court is **granted**.

## **II. CONCLUSION**

For the reasons stated above, Plaintiff's Motion to Speak with a Juror ([Filing No. 190](#)) is **GRANTED**. Plaintiff's counsel may contact the juror that reached out to Mr. Sinn, only. Consistent with Local Rule 47-2, Counsel (nor Mr. Sinn) **may not** contact any other member of the jury without first providing notice and obtaining permission from the Court.

**SO ORDERED.**

Date: 11/12/2019



---

TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

**DISTRIBUTION:**

Daniel LaPointe Kent  
LAPOINTE LAW FIRM, P.C.  
dkent@lapointelawfirm.com

Mary Jane Lapointe  
LAPOINTE LAW FIRM PC  
maryj@lapointelawfirm.com

Michael K. Sutherlin  
MICHAEL K. SUTHERLIN & ASSOCIATES, PC  
msutherlin@gmail.com

Joshua Robert Lowry  
INDIANA ATTORNEY GENERAL  
joshua.lowry@atg.in.gov

Caryn Nieman Szyper  
INDIANA ATTORNEY GENERAL  
caryn.szyper@atg.in.gov

Amanda Jane Gallagher  
INDIANA ATTORNEY GENERAL'S OFFICE  
amanda.gallagher@atg.in.gov

Cory Christian Voight  
INDIANA ATTORNEY GENERAL'S OFFICE  
cory.voight@atg.in.gov

Scott Leroy Barnhart  
INDIANA ATTORNEY GENERAL'S OFFICE  
scott.barnhart@atg.in.gov